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BOOK REVIEWS

Taft Papers on the League of Nations. Edited by Theodore Marburg and Horace E. Flack. New York, The Macmillan Co., 1920. pp. xx, 340.

Former President Taft, through his speeches, letters, and published articles, collected here, rendered a peculiar service in crystallizing public sentiment on the League of Nations. This was all the greater because he did not speak from a partisan standpoint and because he did his part in endeavoring to keep the great question away from political controversies. Even one who cannot agree with all his conclusions cannot fail to note that all his labors were in the direction of clarifying the new issue and bringing about a compromise of differences in the interest of world-wide peace. For this purpose he labored in season and out of season. His comments, his pleas, and his criticisms all tended to popularize the great question and to bring it within the understanding of the masses of the American people. That a final adjustment of the matter was not reached and that no compromise of extreme differences was arrived at, was a great world misfortune from which many countries are suffering at the present day.

Personally, I have thought that Mr. Taft's suggested reservation on Article X, which I offered in the Senate as a compromise, was the best solution of the differences arising over that article. It read as follows:

"The United States declines to assume any legal or binding obligation to preserve the territorial integrity or political independence of any other country under the provisions of Article X or to employ the military or naval forces of the United States under any article of the treaty for any purpose; but the Congress, which under the Constitution has the sole power in the premises, will consider and decide what moral obligation if any, under the circumstances of any particular case, when it arises, should move the United States in the interest of world peace and justice to take action therein and will provide accordingly."

That reservation expresses what has later developed to be the attitude taken by members of the existing League of Nations. If it could have been developed by the Senate as a compromise measure it would have removed all reasonable fears and paved the way for the United States to enter the League.

GILBERT M. HITCHCOCK

United States Senate.

Outlines of Historical Jurisprudence. Vol. I. Introduction and Tribal Law.
By Paul Vinogradoff. New York, Oxford University Press, 1920. pp. ix, 428.

Vinogradoff needs no introduction. For years he has stood at the top of his profession, admired alike for his voluminous knowledge and his sound and dexterous exposition. And now, in the ripeness of his powers, he undertakes what he characterizes as a most complicated task.

"In the course of my legal and historical studies one great problem has presented itself over and over again—the problem of the relation between conditions and efforts, between aims and fate. It is in the sphere of law that this problem assumes its most definite aspect. Law, both customary and enacted, is intended to be a direction of conduct, but its actual application is a compromise between intentions and circumstances."

It is plain that, for the solution of this broad life-problem, historians and lawyers ought to be in collaboration. But they are not.